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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE WESTERN DISTRICT OF MICHIGAN**  
8

9 Lane Myers,

10 Plaintiff,

11 v.

12 Christopher Wren,  
13 Newaygo County,  
14 Newaygo County Board of Commissioners,  
15 Paul Mellema,  
16 Bryan Kolk,  
17 Burt Cooper,  
18 D. Charles Trapp,  
19 Kenneth Delaat,  
20 Brenda Bird,  
21 Michael Kruithoff,  
22 Deborah Berger,  
23 Newaygo County Parks and Rec  
24 Commission,  
25 Newaygo County Parks and Rec Commision  
26 Board,  
27 Doug Harmon,  
28 Dale Twing,  
D. Charles Trapp,  
James Maike Jr,  
Mark Guzniczak,  
Steve Hatting,  
Charles Chandler,  
Steve Stroven,  
John Clark,  
Mark Pitzer,  
Janet Westfield,

No. CV-22-00748

**AMENDED COMPLAINT**

1 Nicholas Smith,  
2 Theresa Bailey,  
3 Connie Parks,  
4 Newaygo County Sheriff's Office,  
5 Bob Mendham Sheriff,  
6 Chad Palmiter Undersheriff  
7 Sgt Christopher Freriks,  
8 Deputy David Kalinowski.,  
9  
10 Defendants.

11  
12 NOW COMES, the Plaintiff, Lane Myers to file Complaint against the Defendants.  
13 In support thereof, he submits the following:  
14

15 **PARTIES TO THE CASE**

16 **I. The Plaintiff**

17 Lane Myers  
18 1583 Grange Rd  
19 Trenton Mi 48183  
20 Wayne County  
21 meyerlansky879@gmail.com  
22 (313) 587-1880

23 **II. The Defendants**

24 A. Municipal Defendants

25 Defendant Newaygo County is a municipality and a political subdivision of the State  
26 of Michigan, organized and existing under the laws of the State of Michigan. Newaygo  
27 County is a "state actor," as that term is used under the jurisprudence of 42 U.S.C. § 1983.

28 1087 Newell Street, PO Box 885  
White Cloud 49349  
Newaygo County  
(231) 689-7200

1           B. Individual Defendants

2           At all times alleged in this Complaint, the following Defendants were supervisors  
3 and employees, employed by Newaygo County, acting within the course and scope of their  
4 employment, and under color of state law. They are “state actors,” as that term is used  
5 under the jurisprudence of 42 U.S.C. § 1983.

6           At all times relevant to this Complaint, Defendant Christopher Wren has been the  
7 Newaygo County Administrator. He is the final policy maker for the County, and is named  
8 in his official and individual capacity.

9                               1087 Newell Street, PO Box 885

10                              White Cloud 49349

11                              Newaygo County

12                              (231) 689-7200

13           At all times relevant to this Complaint, Defendant Deborah Berger, has been the  
14 Administrative Secretary of Newaygo County. She is named in her official and individual  
15 capacity.

16                              1087 Newell Street, PO Box 885

17                              White Cloud 49349

18                              Newaygo County

19                              (231) 689-7200

20           At all times relevant to this Complaint, Defendant Bryan Kolk, has been the  
21 Chairman of the Newaygo County Board of Commissioners, and District 2 Commissioner.  
22 He is named in his official capacity.

23                              1087 Newell Street, PO Box 885

24                              White Cloud 49349

25                              Newaygo County

26                              (231 )689-7200  
27  
28

1 At all times relevant to this Complaint, Defendant Paul Mellema, has been District  
2 1 Commissioner on Newaygo County Board of Commissioners. He is named in his official  
3 capacity.

4 1087 Newell Street, PO Box 885  
5 White Cloud 49349  
6 Newaygo County  
7 (231) 689-7200

8 At all times relevant to this Complaint, Defendant D. Charles Trapp, has been  
9 District 3 Commissioner on Newaygo County Board of Commissioners. He is named in  
10 his official capacity.

11 1087 Newell Street, PO Box 885  
12 White Cloud 49349  
13 Newaygo County  
14 (231) 689-7200

15 At all times relevant to this Complaint, Defendant James Maike Jr, has been District  
16 4 Commissioner on Newaygo County Board of Commissioners. He is named in his official  
17 and individual capacity.

18 1087 Newell Street, PO Box 885  
19 White Cloud 49349  
20 Newaygo County  
21 (231) 689-7200

22 At all times relevant to this Complaint, Defendant Kenneth Delaat, has been District  
23 5 Commissioner on Newaygo County Board of Commissioners. He is named in his official  
24 capacity.

25 1087 Newell Street, PO Box 885  
26 White Cloud 49349  
27 Newaygo County  
28 (231) 689-7200

1  
2 At all times relevant to this Complaint, Defendant Brenda Bird, has been District 6  
3 Commissioner on Newaygo County Board of Commissioners. She is named in her official  
4 capacity.

5 1087 Newell Street, PO Box 885  
6 White Cloud 49349  
7 Newaygo County  
8 (231) 689-7200

9 At all times relevant to this Complaint, Defendant Michael Kruithoff, has been  
10 District 7 Commissioner on Newaygo County Board of Commissioners. He is named in  
11 his official capacity.

12 1087 Newell Street, PO Box 885  
13 White Cloud 49349  
14 Newaygo County  
15 (231) 689-7200

16 At all times relevant to this Complaint, Defendant Burt Cooper, has been District 1  
17 Commissioner on Newaygo County Board of Commissioners. He is named in his official  
18 capacity and individual capacity.

19 1087 Newell Street, PO Box 885  
20 White Cloud 49349  
21 Newaygo County  
22 (231) 689-7200

23 At all times relevant to this Complaint, Defendant Doug Harmon, has been  
24 Newaygo County Parks and Recreation Board Chairman. He is the final policy maker for  
25 the Parks and Recreation Commission and is named in his official and individual capacity.

26 4684 Evergreen Drive  
27 Newaygo, Michigan 49337  
28 Newaygo County

1 (231) 689-7340

2 At all times relevant to this Complaint, Defendant Dale Twing, has been a Newaygo  
3 County Parks and Recreation Commission Board Member. He is being named in his  
4 official capacity.

5 4684 Evergreen Drive  
6 Newaygo, Michigan 49337

7 Newaygo County

8 (231) 689-7340

9 At all times relevant to this Complaint, Defendant D. Charles Trapp, has been a  
10 Newaygo County Parks and Recreation Commission Board Member. He is being named  
11 in his official capacity.

12 4684 Evergreen Drive  
13 Newaygo, Michigan 49337

14 Newaygo County

15 (231) 689-7340

16 At all times relevant to this Complaint, Defendant James Maike, Jr, has been a  
17 Newaygo County Parks and Recreation Commission Board Member. He is being named  
18 in his official and individual capacity.

19 4684 Evergreen Drive  
20 Newaygo, Michigan 49337

21 Newaygo County

22 (231) 689-7340

23 At all times relevant to this Complaint, Defendant Mark Guzniczak, has been a  
24 Newaygo County Parks and Recreation Commission Board Member. He is being named  
25 in his official capacity.

26 4684 Evergreen Drive  
27 Newaygo, Michigan 49337

28 Newaygo County

1 (231) 689-7340

2 At all times relevant to this Complaint, Defendant Steve Hatting, has been a  
3 Newaygo County Parks and Recreation Commission Board Member. He is being named  
4 in his official capacity.

5 4684 Evergreen Drive  
6 Newaygo, Michigan 49337

7 Newaygo County

8 (231) 689-7340

9 At all times relevant to this Complaint, Defendant Charles Chandler, has been a  
10 Newaygo County Parks and Recreation Commission Board Member. He is being named  
11 in his official capacity.

12 4684 Evergreen Drive  
13 Newaygo, Michigan 49337

14 Newaygo County

15 (231) 689-7340

16 At all times relevant to this Complaint, Defendant Steve Stroven, has been a  
17 Newaygo County Parks and Recreation Commission Board Member. He is being named  
18 in his official capacity.

19 4684 Evergreen Drive  
20 Newaygo, Michigan 49337

21 Newaygo County

22 (231) 689-7340

23 At all times relevant to this Complaint, Defendant John Clark, has been a Newaygo  
24 County Parks and Recreation Commission Board Member. He is being named in his  
25 official capacity.

26 4684 Evergreen Drive  
27 Newaygo, Michigan 49337

28 Newaygo County

1 (231) 689-7340

2 At all times relevant to this Complaint, Defendant Mark Pitzer, has been a Newaygo  
3 County Parks and Recreation Commission Board Member. He is being named in his  
4 official capacity.

5 4684 Evergreen Drive  
6 Newaygo, Michigan 49337

7 Newaygo County

8 (231) 689-7340

9 At all times relevant to this Complaint, Defendant Janet Westfield, has been a  
10 Newaygo County Parks and Recreation Commission Board Member. She is being named  
11 in her official and individual capacity.

12 4684 Evergreen Drive  
13 Newaygo, Michigan 49337

14 Newaygo County

15 (231) 689-7340

16 At all times relevant to this Complaint, Defendant Nicholas Smith has been the  
17 Director of Newaygo County Parks and Recreation Commission. He is named in his  
18 official and individual capacity.

19 4684 Evergreen Drive  
20 Newaygo, Michigan 49337

21 Newaygo County

22 (231) 689-7340

23 At all times relevant to this Complaint, Defendant Theresa Bailey, has been a  
24 Newaygo County Parks and Recreation Commission employee. She is being named in her  
25 official and individual capacity.

26 4684 Evergreen Drive  
27 Newaygo, Michigan 49337

28 Newaygo County



1 (231) 689-7340

2 At all times relevant to this Complaint, Defendant Connie Parks, has been a  
3 Newaygo County Parks and Recreation Commission employee. She is being named in her  
4 official and individual capacity.

5 4684 Evergreen Drive  
6 Newaygo, Michigan 49337  
7 Newaygo County  
8 (231) 689-7340  
9

10 C. Newaygo County Sheriff's Office (NCSO)

11 Sheriff Bob Mendham, Undersheriff Chad Palmiter, Sergeant Christopher Freriks,  
12 and Deputy David Kalinowski are being named in their official and individual capacities.

13 1035 E. James Street, PO Box 845  
14 White Cloud, Mi 49349  
15 Newaygo County  
16 (231) 689-7303

17 At all times material herein, NCSO Defendants acted within the scope of their  
18 employment and under color of law. These Defendants engaged in wrongful conduct that  
19 allowed, caused, and/or contributed to the cause of the violations of the Plaintiff's rights.  
20 Their actions and/or inactions constitute actions of Sheriff Mendham, NCSO, and/or  
21 Newaygo County. Sheriff Mendham, NCSO, and/or Newaygo County are vicariously and  
22 directly liable for their wrongful conduct.

23 Plaintiff further alleges that all of the factiously named Defendants were jointly  
24 responsible for the actions, events, and circumstances underlying this lawsuit, and that they  
25 proximately caused the damages stated in this Complaint.  
26  
27  
28

## JURISDICTION AND VENUE

All previous paragraphs are incorporated. The events, acts, and/or omissions as described more fully throughout the paragraphs of this Complaint are not within the Exclusive Jurisdiction of any other Court.

42 U.S.C. § 1983 states:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

All named Defendants are Local officials acting under the color of state as defined by 42 U.S.C. § 1983.

### Federal claims

1. *Monell* Claim 1983
2. Substantive First Amendment Retaliation § 1983
3. Substantive First Amendment Freedom of Speech § 1983
4. Substantive First Amendment Freedom of Assembly § 1983
5. Substantive First Amendment Right to Petition § 1983
6. Substantive Fourth Amendment Right to be free from Unreasonable Search or Seizure § 1983
7. Substantive Fourth Amendment Malicious Prosecution § 1983
8. Substantive violation Sixth Amendment Confrontation Clause § 1983
9. Procedural and Substantive Fourteenth Amendment Due Process Clause § 1983
10. Substantive violation Fourteenth Amendment Equal Protection Clause § 1983

## FACTUAL ALLEGATIONS IN SUPPORT OF PLAINTIFF'S CLAIMS

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

--Preamble to the United States Constitution

### I. Plaintiff's Interaction with Ethan Wright

On Friday, August 5<sup>th</sup>, 2022, at approximately 3 p.m. Plaintiff was riding his bicycle in Newaygo County, on the Dragon Trail, at Sandy Beach Park when he came around a corner and encountered Ethan Wright riding his electric motorcycle. Ethan Wright was unable to get his motorcycle under control and both of them were forced to swerve off the trail and fall over. Upon standing up Plaintiff saw that Ethan Wright was using an unauthorized motorized vehicle on the trail. Plaintiff informed Ethan Wright that motorcycles are not allowed on the trail. Ethan Wright stated that he did not believe that it damaged the trail. Electronic motorcycles are clearly banned from the trail and there are signs at every trail junction stating as much. Plaintiff told Ethan Wright that motorcycles are banned and it was not the appropriate time and place to argue the merits of their legality. Plaintiff indicated he would be willing to show Ethan Wright the posted signs where it clearly says Non Motorized Use only. Ethan Wright stated it does not matter what Plaintiff says, or the signs, and that he would continue to break the law, and ride the motorcycle on the trail. The rider then took off down the trail. Plaintiff has a video of this conversation on Youtube (Lane Myers) if the Court would like to view it.

### II. Plaintiff's Interaction with Defendants Freriks and Kalinowski

Plaintiff then continued his bicycle ride from the middle of the woods back towards his start point near the Hardy Dam. Upon reaching the Sandy Beach Park road crossing several minutes later, Plaintiff encountered Ethan Wright again who stated, "Where are you going, the police are on their way." Sergeant Christopher Freriks, and Deputy David Kalinowski of the Newaygo County Sheriff Dept arrived and exited their patrol vehicles.

1 Plaintiff told Sgt Freriks that Ethan Wright was riding a motorcycle on the Dragon Trail,  
2 in clear violation of posted park rules. Sgt. Freriks and Deputy Kalinowski said they would  
3 not be enforcing anything, and that Plaintiff was free to go. Plaintiff was not detained or  
4 asked for his personal information at any time. Plaintiff will be introducing bodycam  
5 footage as objective evidence of this interaction.

### 6 **III. Plaintiffs Interaction with Defendant Nicholas Smith**

7 Approximately one hour later Plaintiff received a call regarding his alleged conduct  
8 on Newaygo County Park property. A man who identified himself as Nick Smith, Director  
9 of Parks and Recreation for Newaygo County, informed Plaintiff that based on Mr. Smith's  
10 conversation with a sheriff deputy, Plaintiff was being "trespassed from Newaygo County  
11 Parks". When Plaintiff asked for an opportunity to be heard he told him, "If you don't like  
12 it, take me to court and sue me" and ended the call.

### 13 **IV. Plaintiff's interaction with Defendant Freriks**

14 Upon completion of that call Plaintiff called the Newaygo County Sheriff Dept on  
15 the non-emergency line and asked to speak to Sgt Freriks. Plaintiff asked Sgt Freriks how  
16 Nick Smith got his personal information when Plaintiff was not required to, and did not,  
17 provide it at the park. Sgt Freriks stated he got Plaintiffs personal information from a  
18 previous, unrelated police contact where Plaintiff was filing a PPO on his neighbor, and  
19 provided it to Nick Smith unsolicited. Plaintiff asked him if he had a police report, or any  
20 record of an investigation of Plaintiffs alleged conduct. Sgt Freriks stated there was no  
21 police report, or record of investigation available because Plaintiff was not accused of  
22 breaking any laws. He stated that if Plaintiff wanted to know what Ethan Wright said, or  
23 obtain access to the conversation with Nick Smith, Plaintiff could FOIA it under the  
24 Michigan FOIA Act. He then ended the call. Plaintiff plans to introduce the call.

### 25 **V. Plaintiffs Interaction with Defendant Nicholas Smith**

26 Plaintiff then emailed Nick Smith, Director of Parks and Rec, asking for an  
27 opportunity to be heard, records regarding Plaintiffs alleged conduct, and an impartial  
28 tribunal. Plaintiff has received no response as of October 28, 2022.

1           **VI. Plaintiff's Interaction with Defendant Wren and Parks**

2           On Monday, August 8th, 2022, Plaintiff called the office of Nick Smith, Parks and  
3 Rec Director, to request an opportunity to be heard and an impartial tribunal under  
4 procedural Due Process. Plaintiff was told by Connie the secretary that he must contact  
5 Human Resources for that. Plaintiff then called Newaygo County Human Resources and  
6 asked for a meeting with Nick Smith, Parks and Rec Director, under Due Process. Plaintiff  
7 was put on hold briefly, and then a man who identified himself as Christopher Wren,  
8 Newaygo County Administrator, came on the phone. Christopher Wren then told Plaintiff  
9 that none of his employees would meet with him, that Plaintiff would not receive Due  
10 Process, because it was County property and not a Court of law, and that if Plaintiff didn't  
11 like it, to sue him. He then hung up.

12           **VII. Plaintiff notice of ban from Newaygo County Parks and Trails**

13           On Tuesday, August 9th, Plaintiff received a letter from Newaygo County Parks and  
14 Rec stating that due to Plaintiff's "actions" on August 5th, 2022, Plaintiff was permanently  
15 banned from all Newaygo County Parks and Rec property and trails effective immediately.  
16 The letter states that if Plaintiff enters Newaygo County Parks and Rec property he will be  
17 arrested and prosecuted for trespassing. The letter does not state what Plaintiffs alleged  
18 "actions" were. The letter states that this decision was made due to Plaintiff violating  
19 Newaygo County Parks Ordinance #01/2020 Section 18 (B)(C). Which is enforced under  
20 Michigan Public Act 261 of 1965 46.364(3) as a Misdemeanor. Plaintiff was not offered  
21 any opportunity to be heard under Due Process in a criminal proceeding regarding the  
22 alleged interactions and events that led to this decision, despite contacting multiple officials  
23 to ask for it multiple times. A copy of the letter is attached.

24           **VIII. Plaintiff's Interactions with Defendants Mendham, Palmiter, Berger, Kolk,**  
25           **Maik Jr, Harmon, Bird, Kruithuff**

26           After Plaintiff contacted defense counsel multiple times without response between  
27 August 9 and August 16th trying to seek a resolution before having to litigate to enforce  
28

1 his rights, Plaintiff was forced to seek relief from this court to restore his rights and hold  
2 Defendants accountable for multiple civil rights violations.

3 Since filing the original Complaint on Aug 16th, Defendants and their counsel have  
4 not engaged in 1 single conversation related to this lawsuit with the Plaintiff. They have  
5 done nothing to try and reach any consensus or resolution. Defense counsel has done  
6 nothing but call this valid lawsuit frivolous, and file a Rule 11 motion, despite being told  
7 Plaintiff would be filing this Amended Complaint as early as Sept 15th, 2022.

### 8 **IX. Newaygo County Patterns, Practices, and Policies**

9 Through Plaintiff's various attempts to redress these grievances through long  
10 standing County Policies, or Michigan State and Federal law, he has been met with  
11 complete uncooperation and continued violations of his constitutional and State rights.  
12 Including, but not limited to: threat of arrest and prosecution for attending a Public meeting  
13 under the Open Meetings Act, denial of access to FOIA, denial of access to the formal  
14 complaint forms at Newaygo County Sheriff Dept, as well as continued deprivation of Due  
15 Process and the other civil rights alleged herein stemming from the original incident. Also  
16 Plaintiff has now been effectively accused, convicted, and sentenced of a Misdemeanor  
17 under Michigan PA 261 of 1965 through a Malicious Prosecution. While Plaintiff was  
18 seeking redress, evidence found during his discovery process has led to a conclusion that  
19 Newaygo Park Ordinance Rule 18(b)(c) does not meet constitutional scrutiny, as well as  
20 numerous unlawful policies and practices within various agencies of Newaygo County  
21 Government that fall under Monell, as well as First Amendment Retaliation, and other  
22 1983 claims. Plaintiff has been denied his constitutional rights at every step of this entire  
23 process. Plaintiff has video recordings of these interactions he plans to introduce. Plaintiff  
24 has been forced to seek relief and damages through this court.

### 25 26 **Newaygo County Park Ordinance 01/2020**

27 Newaygo County Park Ordinance, Rules, and Regulations

28 PREAMBLE

1 An Ordinance to regulate and control all lands, waters, and property administered by or  
2 under the jurisdiction of the Newaygo County Park and Recreation Commission

3 DEFINITIONS

4 1. "Commission" shall mean the Newaygo County Parks and Recreation Commission.

5 2. "Commission Property" shall mean all lands, waters, and property administered by or  
6 under the jurisdiction of the Newaygo County Parks Commission.

7 3. "Commission Staff" shall mean any individual directly employed to work by the  
8 Newaygo County Parks and Recreation Department. Commission Staff includes the Parks  
9 and Recreation Director, Parks Administrative Staff, and Park Operations and Maintenance  
10 Staff.

11 4. "Person" or "Persons" shall mean individuals, male or female, singular or plural, firms,  
12 corporations, companies, associations, entities, organizations, or any group of individuals.

13 9. "Motor-Driven Vehicle" means a vehicle, motor vehicle, or vehicle operated or designed  
14 for operation upon a public highway by power other than muscular strength, including  
15 motorcycles. 10. "Motorcycle" means a vehicle having a saddle or seat for the use of the  
16 rider, designed for operation on not more than three wheels in contact with the ground,  
17 equipped with a motor that exceeds 50 cubic centimeters piston displacement.

18 11. "Off-Road Vehicle (ORV)" shall mean any motor vehicle that can be operated cross-  
19 country (without the benefit of a road or trail) over land, snow, and other natural terrains.  
20 ORV includes multi-track or multiwheel vehicles; all-terrain vehicles (ATVs); motorcycles  
21 or related multi-wheel vehicles; amphibious machines (water-to-land and back);  
22 hovercrafts; and other vehicles that use mechanical power, including 2- or 4-wheel-drive  
23 vehicles that are highway registered but operated off highways or roads.

24 12. "Rules" shall mean the rules adopted by the Newaygo County Parks and Recreation  
25 Commission applicable to all property administered by or under the jurisdiction of the said  
26 Commission and all amendments thereto. These rules are enforced in compliance with the  
27 State of Michigan Public Act 261 of 1965 et seq.

28



1 SECTION 1: APPLICATION OF ORDINANCE The provisions of this ordinance shall  
2 apply to, regulate, and control all lands, waters, and property administered by, owned or  
3 under the jurisdiction of the Newaygo County Parks and Recreation Commission. These  
4 rules are enforced in compliance with the State of Michigan, PA 261 of 1965 et seq.

5 SECTION 9: MOTOR-DRIVEN VEHICLES

6 No Person Shall:

7 a) Operate a motor-driven vehicle of any kind or nature except on designated roads and  
8 parking areas.

9 b) Operate a motor-driven vehicle on any park road at speed exceeding 10 miles per hour  
10 or at any speed higher than that posted.

11 c) Violate provisions of the Michigan Motor Vehicle Code, Act 300 of 1949, as amended.

12 SECTION 10: MOTORCYCLES, SNOWMOBILES AND OFF-ROAD VEHICLES

13 a) No Person shall operate a non-licensed motor-driven vehicle, snowmobile, or ORV, on  
14 any Commission property, unless it is posted open for such use.

15 b) Any non-road licensed motor-driven vehicle, snowmobile, or ORV that is admitted for  
16 entry to Commission property, may only travel on designated roadways and parking areas.

17 d) Operators shall comply with all other rules and regulations governing these vehicles by  
18 Federal, State, and local laws, including, but not limited to, the Michigan Motor Vehicle  
19 Code.

20 SECTION 12: OPERATION OF BICYCLES

21 a) Bicycles shall operate as close to the right-hand side of the path, trail or roadway as  
22 conditions permit and ride single file. b) It shall be unlawful for any person to ride a bicycle  
23 in areas closed to bicycle use.

24 c) No Person shall operate a bicycle in a manner that endangers pedestrians, oneself, and  
25 other bicyclists.

26 d) Bicyclists must yield to slower-moving trail traffic, such as equestrians and pedestrians.  
27 Bicyclists must also verbally announce their presence, with a statement such as, "passing  
28 on the left!" before passing other trail users.



1 e) All Persons using bicycles in accordance with this ordinance shall also abide by  
2 Michigan statutes as they pertain to bicycle operation, equipment, and safety.

3 **SECTION 18: PERSONAL CONDUCT**

4 b) Engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene, or  
5 otherwise, disorderly conduct tending to create a breach of the peace, or disturb or annoy  
6 others, while on any Commission property.

7 c) Interact in a violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene, or  
8 otherwise disorderly manner towards Commission Staff, park customers, or other members  
9 of the public on Commission property.

10 **VIOLATION OF RULES**

11 a) In addition to any administrative penalty provided for herein, any person violating any  
12 provision of the above rules shall be guilty of a misdemeanor and upon conviction,  
13 therefore, shall be fined not more than \$100. Any person violating any portion of this  
14 ordinance may also be imprisoned in the County jail for a period not exceeding 90 days, at  
15 the discretion of the court.

16 b) Violation of the above rules gives the Commission the right to remove the responsible  
17 individual or group without any refund. Violators may also be subject to civil penalties and  
18 trespass.

19  
20 **Michigan's Dragon at Hardy Dam Rules and Regulations**

21 This non-motorized multi-use trail is jointly managed by the Newaygo County Parks  
22 and Recreation Commission and the Mecosta County Park Commission in partnership with  
23 Consumers Energy.

24 **APPLICATION OF ORDINANCE**

25 Michigan's Dragon at Hardy Dam is a linear County Park. Where trail sections fall in  
26 Newaygo County, Ordinance #01/2020 shall apply to, regulate, and control all lands,  
27 waters, and property administered by, owned or under the jurisdiction of the Newaygo  
28 County Parks Commission pursuant to State of Michigan, PA 261 of 1965 et seq.

1 TRAIL RULES

2 c) Michigan's Dragon at Hardy Dam is closed to all equestrian, pack animal, motorized  
3 traffic, ORV traffic, including all variants of electronic bicycles.

4 f) Bicyclists must yield to slower-moving trail traffic, such as pedestrians. Bicyclists must  
5 also verbally announce their presence, with a statement such as, "passing on the left!"  
6 before passing other trail users.

7 g) All Persons using bicycles on Michigan's Dragon at Hardy Dam shall also abide by all  
8 Michigan statutes as they pertain to bicycle operation, equipment, and safety. Helmets are  
9 required while biking on the trail.

10 l) No Person shall cut, break, deface, engrave or otherwise damage in any manner  
11 Commission property, trails, facilities, fixtures, equipment, bridge, drain, gate, fencing, or  
12 other structures.

13 VIOLATION OF RULES

14 a) In addition to any administrative penalty provided for herein, any person violating any  
15 provision of the above rules shall be guilty of a misdemeanor and upon conviction,  
16 therefore, shall be fined not more than \$100. Any person violating any portion of this  
17 ordinance may also be imprisoned in the County jail for a period not exceeding 90 days, at  
18 the discretion of the court.

19 b) Violation of the above rules gives the Commission the right to remove the responsible  
20 individual or group without any refund. Violators may also be subject to civil penalties and  
21 trespass.  
22

23 **COUNTY AND REGIONAL PARKS (EXCERPT)**

24 **Act 261 of 1965**

25 46.364 County and regional commissions; rules; violation of rules as misdemeanor;  
26 penalty; prohibited operation of vehicle as municipal civil infraction; enforcement; park  
27 rangers; police services.

28 Sec. 14.

1 (1) A county or regional commission may adopt, amend, or repeal rules for the protection,  
2 regulation, and control of its facilities and areas with the approval of the county board or  
3 boards of commissioners.

4 (2) Rules shall not be contrary to or inconsistent with the laws of this state. Rules shall not  
5 take effect until all of the following occur:

6 (a) The elapse of 9 days after the rules are adopted by the county or regional commission.

7 (b) The publication of the rules once a week for 2 consecutive weeks in a newspaper of  
8 general circulation in the county in which the area or facility to which the rules apply is  
9 located.

10 (c) The posting of a copy of the rules near each gate or principal entrance to the area or  
11 facility.

12 (3) Except as provided in subsection (4), a person who violates a rule adopted by a county  
13 or regional commission is guilty of a misdemeanor punishable by a fine of not more than  
14 \$100.00 and costs of prosecution or by imprisonment for not more than 90 days, or both.

15 (4) The operation of a vehicle on a recreational trailway at a time, in a place, or in a manner  
16 prohibited by a rule adopted by a county or regional commission is a municipal civil  
17 infraction, whether or not so designated by the rule. A civil fine ordered for a municipal  
18 civil infraction described in this subsection shall not exceed the maximum amount of a fine  
19 provided by the rule or \$500.00, whichever is less. An act or omission described in this  
20 subsection is not a municipal civil infraction if that act or omission constitutes a violation  
21 or crime that is excluded from the definition of municipal civil infraction in section 113 of  
22 the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section  
23 600.113 of the Michigan Compiled Laws.

24  
25 Consumers Energy Corporation operates the Dragon trail in Partnership with  
26 Newaygo County Parks and Recreation Commission.

27 Plaintiff is filing this claim based on these facts.  
28

1 **CAUSES OF ACTION**

2 Plaintiff is entitled to maintain an action for civil rights violations against  
3 Defendants for such losses and injuries suffered due to their Policies or Conduct as alleged  
4 herein. As a result of the wrongful acts of Defendants as set forth above, Plaintiff suffered  
5 damages. The causes of action are as follows:

6  
7 **COUNT ONE**

8 **42 U.S.C. § 1983**

9 **Monell Liability**

10 (Newaygo County through Defendants Wren, Mendham, Palmiter, Mellema, Kolk,  
11 Cooper, Trapp, Maike Jr, Delaat, Bird, Kruithuff, Harmon, Twing, Clark, Guzniczak,  
12 Hatting, Chandler, Stroven, Pitzer, Westfield)

13  
14 The foregoing paragraphs are incorporated as if fully set forth herein.

15 As a proximate result of Newaygo County's unconstitutional policies, practices, acts  
16 and omissions, to include failures to train and supervise its officers, Plaintiff suffered  
17 immediate and irreparable injury, including psychological and emotional injury.

18  
19 Newaygo County Policies and Practices

20 The Plaintiff realleges all Paragraphs, above, as if fully realleged herein.

21 Defendant Mendham is an official policy maker for NCSO and Newaygo County.  
22 Defendant Mendham has the authority and responsibility to establish policy for NCSO and  
23 Newaygo County, and to properly supervise and train the officers, agents, and employees  
24 of NCSO. His actions are the actions of the County and his office.

25 Defendant Wren is an official policy maker for Newaygo County. Defendant Wren  
26 has the authority and responsibility to establish policy for Newaygo County, and to  
27 properly supervise and train the officers, agents, and employees of Newaygo County. His  
28 actions are the actions of the County and his office.

1 Defendant Palmiter is an official policy maker for Newaygo County. Defendant  
2 Palmiter has the authority and responsibility to establish policy for NCSO and Newaygo  
3 County, and to properly supervise and train the officers, agents, and employees of  
4 Newaygo County. His actions are the actions of the County and his office.

5 Defendants Mellema, Kolk, Cooper, Trapp, Maike Jr, Delaat, Bird, Kruithuff, are  
6 official policy makers for Newaygo County. Defendants Mellema, Kolk, Cooper, Trapp,  
7 Maike Jr, Delaat, Bird, Kruithuff have the authority and responsibility to establish policy  
8 for NCSO and Newaygo County, and to properly supervise and train the officers, agents,  
9 and employees of Newaygo County. Their actions are the actions of the County and their  
10 office.

11 Defendants Harmon, Twing, Clark, Guzniczak, Hatting, Chandler, Stroven, Pitzer,  
12 Westfield are official policy makers for Newaygo County Parks and Recreation  
13 Commision. Defendants Harmon, Twing, Clark, Guzniczak, Hatting, Chandler, Stroven,  
14 Pitzer, Westfield have the authority and responsibility to establish policy for Newaygo  
15 County Parks, and to properly supervise and train the officers, agents, and employees of  
16 Newaygo County Parks. Their actions are the actions of the County and their office.

17 Defendants Wren, Mendham, Palmiter, Mellema, Kolk, Cooper, Trapp, Maike Jr,  
18 Delaat, Bird, Kruithuff, Harmon, Twing, Clark, Guzniczak, Hatting, Chandler, Stroven,  
19 Pitzer, Westfield acted under color of law at all times material hereto.

20 Defendants Wren, Mendham, Palmiter, Mellema, Kolk, Cooper, Trapp, Maike Jr,  
21 Delaat, Bird, Kruithuff, Harmon, Twing, Clark, Guzniczak, Hatting, Chandler, Stroven,  
22 Pitzer, Westfield are named in their official capacity, pursuant to 42 U.S.C. Sect. 1983  
23 supervisory and direct liability, for their conduct as alleged herein.

24 Defendants Wren, Mendham, Palmiter, Mellema, Kolk, Cooper, Trapp, Maike Jr,  
25 Delaat, Bird, Kruithuff, Harmon, Twing, Clark, Guzniczak, Hatting, Chandler, Stroven,  
26 Pitzer, Westfield and/or Newaygo County have oversight and supervisory responsibility  
27 over the Policies, Patterns, Practices in Newaygo County, and the NCSO.  
28

1 Defendants Wren, Mendham, Palmiter, Mellema, Kolk, Cooper, Trapp, Maike Jr,  
2 Delaat, Bird, Kruithuff, Harmon, Twing, Clark, Guzniczak, Hatting, Chandler, Stroven,  
3 Pitzer, Westfield, and/or Newaygo County knew or should have known that  
4 unconstitutional policies, practices, customs, and training existed.

5 Defendants Wren, Mendham, Palmiter, Mellema, Kolk, Cooper, Trapp, Maike Jr,  
6 Delaat, Bird, Kruithuff, Harmon, Twing, Clark, Guzniczak, Hatting, Chandler, Stroven,  
7 Pitzer, Westfield, and/or Newaygo County permitted the implementation of inappropriate,  
8 unconstitutional, de facto policies that authorized, approved, condoned, and/or ratified  
9 unconstitutional practices and failed to adequately train and supervise their personnel in  
10 these and other relevant areas.

11 The wrongful conduct of these Defendants alleged herein this Complaint constitutes  
12 violations of 42 U.S.C. § 1983, in that they deprived the Plaintiff of his rights, privileges,  
13 and immunities secured to him by the Constitution and laws of the United States and their  
14 wrongful conduct was the moving force behind the violations of Plaintiffs' rights by their  
15 agents, employees, officers, and personnel.

16 The wrongful conduct of these Defendants alleged herein constitutes violations of  
17 the United States Constitution Amendments I, IV, VI, and XIV, in that the Plaintiff was  
18 subjected to substantive and procedural violations of his civil rights.

19 As a direct and proximate cause of the Defendants' wrongful conduct, Plaintiffs  
20 constitutional rights were violated and he suffered great harm.

21 The acts and omissions of these Defendants' acting in their official capacity for  
22 supervisory liability, as alleged herein, were malicious or reckless in disregard of the rights  
23 of the Plaintiff.

24 These acts and omissions include:

- 25 (1) Creating Newaygo Park Ordinance 01/2020, which violates the First Amendment on  
26 its face.  
27 (2) Unlawfully enforcing Rule 18(b)(c) against Plaintiff in violation of his First, Sixth, and  
28 Fourteenth Amendment rights.

1 (3) Refusing to let Plaintiff seek redress through Due Process in violation of his Fourteenth  
2 Amendment rights.

3 (4) Failing to train their officers in the Fourth Amendment.

4 (5) Failing to provide Plaintiff an opportunity to file a formal complaint against the deputies  
5 or any Newaygo County employee.

6 (6) Denying Plaintiff access to the FOIA system.

7 (7) Threatening to arrest Plaintiff for attending an Open Public Meeting in Newaygo  
8 County.

9 (8) Instructing Plaintiff to take his complaints to the Michigan State Police instead of  
10 following proper NCSO policy for discipline and supervision.

11 (9) Failing to discipline Ethan Wright for violating State law and County Ordinance  
12 01/2020.

13 (10) Failing to discipline employees for their violations of Plaintiffs constitutional rights.

14 (11) Retaliated against Plaintiff for his attempts to tell the relevant public officials to  
15 enforce the law against Ethan Wright, in violation of his First Amendment rights.

16  
17 **COUNT TWO**

18 **First Amendment Retaliation Claim**

19 **42 U.S.C. 1983**

20 **(Newaygo County, All Defendants)**

21  
22 The foregoing paragraphs are incorporated as if fully set forth herein.

23 1. Newaygo County, and/or Defendant Wren, Defendant Mellema, Defendant Kolk,  
24 Defendant Cooper, Defendant Trapp, Defendant Maike Jr, Defendant Delaat, Defendant  
25 Bird, Defendant, Kruithuff, Defendant Harmon, Defendant Twing, Defendant Clark,  
26 Defendant Guzniczak, Defendant Hatting, Defendant Chandler, Defendant Stroven,  
27 Defendant Pitzer, Defendant Westfield created, ratified, enforced Newaygo County Park  
28 Ordinance 01/2020 which contains Rule 18(b)(c). Rule 18(b)(c) does not pass

1 constitutional scrutiny on its face. It retaliates against protected speech just by its very  
2 existence.

3  
4 SECTION 18: PERSONAL CONDUCT

5 b) Engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene, or  
6 otherwise, disorderly conduct tending to create a breach of the peace, or disturb or annoy  
7 others, while on any Commission property.

8 c) Interact in a violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene, or  
9 otherwise disorderly manner towards Commission Staff, park customers, or other members  
10 of the public on Commission property.

11  
12 2. Newaygo County, and/or Defendant Mendham, Defendant Palmiter, Defendant  
13 Freriks, Defendant Kalinowski, Defendant Wren, Defendant Harmon, Defendant Smith,  
14 Defendant Kolk, Defendant Maik Jr, Defendant Bailey, Defendant Parks, Defendant  
15 Berger retaliated against Plaintiff for his attempts to tell the relevant public officials to  
16 enforce the law against Ethan Wright, in violation of his First Amendment rights.

17 Defendants retaliated against Plaintiffs protected speech in the following ways:

18  
19 (1) Unlawfully enforcing Rule 18(b)(c) against Plaintiff in violation of his First, Sixth, and  
20 Fourteenth Amendment rights.

21 (2) Refusing to let Plaintiff seek redress through Due Process in violation of his Fourteenth  
22 Amendment rights.

23 (3) Failing to provide Plaintiff an opportunity to file a formal complaint against the deputies  
24 or any Newaygo County employee.

25 (4) Denying Plaintiff access to the FOIA system.

26 (5) Threatening to arrest Plaintiff for attending an Open Public Meeting in Newaygo  
27 County.



1 (6) Instructing Plaintiff to take his complaints to the Michigan State Police instead of  
2 following proper NCSO policy for discipline and supervision.

3 These are just some of the numerous ways Defendants have retaliated against  
4 Plaintiff for exercising his First Amendment rights. Defendants all acted under the color  
5 of state as defined by Section 1983.

6  
7 **COUNT THREE**

8 **First Amendment Freedom of Speech**

9 **42 U.S.C. 1983**

10 **(Newaygo County, All Individual Defendants)**

11  
12 The foregoing paragraphs are incorporated as if fully set forth herein.

13 Plaintiff used protected free speech in a traditional public forum throughout his  
14 interactions with Defendants on August 5th and subsequently in Newaygo County. Plaintiff  
15 is being punished by Defendants for his protected free speech in Newaygo County. Plaintiff  
16 is still being denied his right to use protected free speech in a traditional public forum by  
17 Defendants, due to the continuing enforcement of Newaygo County Park Ordinance Rule  
18 18(b)(c). Defendants have violated Plaintiffs right to protected free speech either through  
19 policy, practice, or deliberate indifference to plaintiffs right of protected free speech.  
20 Defendants all acted under the color of state as defined by Section 1983.

21 **COUNT FOUR**

22 **First Amendment Freedom of Assembly 1983**

23 **42 U.S.C. 1983**

24 **(Newaygo County, All Individual Defendants)**

25  
26 The foregoing paragraphs are incorporated as if fully set forth herein.

27 (1) Defendants' creation, as well as initial and continued enforcement of Newaygo County  
28 Park Ordinance 01/2020 Rule 18(b)(c) against Plaintiff in Newaygo County.

1 (2) Defendants denying Plaintiff access to Open Meetings in Newaygo County.

2 (3) Defendants denying Plaintiff access to Traditional Public Forums in Newaygo County.

3 These violations from Defendants violate Plaintiffs First Amendment right to  
4 assembly. Defendants all acted under the color of state as defined by Section 1983.

5  
6 **COUNT FIVE**

7 **First Amendment Right to Petition 1983**

8 **42 U.S.C. 1983**

9 **(Newaygo County, All Individual Defendants)**

10  
11 The foregoing paragraphs are incorporated as if fully set forth herein.

12 (1) Defendants' creation and enforcement of Newaygo County Park Ordinance 01/2020  
13 Rule 18(b)(c) against Plaintiff in Newaygo County.

14 (2) Defendants continuing to enforce Newaygo County Park Ordinance 01/2020 Rule  
15 18(b)(c) against Plaintiff in Newaygo County from August 5th 2022 until the time of this  
16 filing without explanation.

17 (3) Defendants not letting Plaintiff fight the Newaygo County Park Ordinance 01/2020  
18 Rule 18(b)(c) in Newaygo County District Court or with the County Administration.

19 (4) Defendants not letting Plaintiff file a formal complaint with the NCSO or County  
20 Administration against Defendants.

21 (5) Defendants not allowing Plaintiff access to the Newaygo County FOIA record request  
22 system.

23 (6) Defendants not allowing Plaintiff access to a Newaygo County Parks and Recreation  
24 Commission Board Meeting pursuant to the Michigan Open Meetings Act.

25 These violations from Defendants violated Plaintiffs First Amendment Right to  
26 Petition. Defendants all acted under the color of state as defined by Section 1983.

27  
28 **COUNT SIX**

**Fourth Amendment Right to be free from Unreasonable Search and Seizure**

**42 U.S.C. 1983**

**(Defendants Freriks, Kalinowski, Smith)**

The foregoing paragraphs are incorporated as if fully set forth herein.

(1) Defendant Freriks, Defendant Kalinowski, Defendant Smith violated Plaintiff's 4th amendment rights when they accessed Plaintiffs personal data, electronically stored, without a warrant or probable cause.

(2) Defendants used this unlawfully obtained personal data to unconstitutionally enforce Newaygo CountyPark Ordinance 01/2020 Rule 18(B)(C), which is unconstitutional on its face, against Plaintiff in Newaygo County.

These violations from Defendants violated Plaintiffs Fourth Amendment Right to be free from Unreasonable Search and Seizure. Defendants all acted under the color of state as defined by Section 1983.

**COUNT SEVEN**

**Fourth Amendment Malicious Prosecution**

**42 U.S.C. 1983**

**(Newaygo County, Defendant Freriks, Defendant Kalinowski, Defendant Smith,  
Defendant Harmon, Defendant Wren, Defendant Kolk, Defendant Maike Jr)**

The foregoing paragraphs are incorporated as if fully set forth herein.

COUNTY AND REGIONAL PARKS (EXCERPT): Act 261 of 1965

46.364 County and regional commissions; rules; violation of rules as misdemeanor; penalty; prohibited operation of vehicle as municipal civil infraction; enforcement; park rangers; police services.

1 (3) Except as provided in subsection (4), a person who violates a rule adopted by a county  
2 or regional commission is guilty of a misdemeanor punishable by a fine of not more than  
3 \$100.00 and costs of prosecution or by imprisonment for not more than 90 days, or both.  
4

5 Newaygo County Park Ordinance 01/2020

6 SECTION 1: APPLICATION OF ORDINANCE The provisions of this ordinance shall  
7 apply to, regulate, and control all lands, waters, and property administered by, owned or  
8 under the jurisdiction of the Newaygo County Parks and Recreation Commission. These  
9 rules are enforced in compliance with the State of Michigan, PA 261 of 1965 et seq.  
10

11 (1) Defendant Freriks, Defendant Kalinowski, Defendant Smith, Defendant Harmon,  
12 Defendant Wren, Defendant Kolk, Defendant Maike Jr violated Plaintiffs 4th amendment  
13 rights during the enforcement of Newaygo County Park Ordinance 01/2020 Rule 18(b)(c).

14 (2) Defendant Freriks, Defendant Kalinowski, Defendant Smith, Defendant Harmon,  
15 Defendant Wren, Defendant Kolk, Defendant Maike Jr used Plaintiffs personal information  
16 obtained during a 4th amendment violation to enforce Newaygo County Park Ordinance  
17 01/2020 Rule 18(b)(c) against Plaintiff.

18 (3) Defendant Freriks, Defendant Kalinowski, Defendant Smith, Defendant Harmon,  
19 Defendant Wren, Defendant Kolk, Defendant Maike Jr accused, convicted, sentenced  
20 Plaintiff to a Misdemeanor as defined under Michigan Public Act 261 of 1965 46.364(3)  
21 using information obtained during a 4th amendment violation by Defendant Freriks,  
22 Defendant Kalinowski, Defendant Smith.

23 (4) Defendant Freriks, Defendant Kalinowski, Defendant Smith, Defendant Harmon,  
24 Defendant Wren, Defendant Kolk, Defendant Maike Jr' accused, sentenced, convicted  
25 plaintiff of a Misdemeanor as defined under Michigan Public Act 261 of 1965 46.364(3)  
26 outside of the Newaygo County District Court system without Due Process using Plaintiffs  
27 personal information obtained during a 4th amendment violation against plaintiff, by  
28 Defendant Freriks, Defendant Kalinowski, Defendant Smith.

1 (5) Plaintiff has been prosecuted for, and sentenced to a Misdemeanor as defined under  
2 Michigan Public Act 261 of 1965 46.364(3), without actually being convicted in a court  
3 law.

4 (6) Because Plaintiff has been maliciously prosecuted, without ever being convicted in a  
5 court of law, he maintains his claim of factual innocence, allowing a claim of malicious  
6 prosecution under U.S.C. 42 § 1983.

7 These violations from Defendants violated Plaintiffs Fourth Amendment Right to  
8 be free from Unreasonable Search and Seizure and led to malicious prosecution against  
9 Plaintiff as a result. Defendants all acted under the color of state as defined by Section  
10 1983.

11  
12 **COUNT EIGHT**

13 **Violation of 6th Amendment Confrontation Clause**

14 **42 U.S.C. 1983**

15 **(Newaygo County, Defendant Freriks, Defendant Kalinowski, Defendant Smith,**  
16 **Defendant Harmon, Defendant Wren, Defendant Kolk, Defendant Maike Jr)**

17  
18 The foregoing paragraphs are incorporated as if fully set forth herein.

19 (1) Defendant Smith, Defendant Harmon, Defendant Wren, Defendant Kolk, Defendant  
20 Maike Jr violated Plaintiffs rights under the Confrontation Clause of the 6th Amendment  
21 by enforcing Newaygo County Park Ordinance 01/2020 Rule 18(B)(C) against Plaintiff  
22 without Due Process, and the protections afforded under the 6th amendment Confrontation  
23 Clause.

24 (2) Newaygo County Park Ordinance 01/2020 Rule 18(B)(C) is considered a law, and  
25 violating it constitutes a misdemeanor as defined and enforced under Michigan Public Act  
26 261 of 1965 46.364(3). Therefore, Plaintiff is entitled to 6th amendment protections found  
27 in the Confrontation Clause.



1 Ordinance 01/2020 Rule 18(b)(c) for not passing constitutional scrutiny on its face.  
2 Defendants all acted under the color of state as defined by Section 1983.

3  
4 **COUNT TEN**

5 **Violations of the Fourteenth Amendment Equal Protection Clause**

6 **42 U.S.C. 1983**

7 **(Newaygo County, All individual Defendants)**  
8

9 The foregoing paragraphs are incorporated as if fully set forth herein.

10 Defendants' creation as well as the initial and continued enforcement of Newaygo  
11 County Park Ordinance 01/2020 Rule 18 (B)(C) against Plaintiff, denies Plaintiff Equal  
12 Protection under the 14th Amendment.

13 These violations from Defendants' violated Plaintiff's 14th Amendment Rights  
14 under the Equal Protection Clause. Defendants all acted under the color of state as defined  
15 by Section 1983.

16  
17 **COUNT ELEVEN**

18 **Violations of M.C.L.A. 600.2907 Malicious prosecution or action**

19 **(Newaygo County, Defendant Freriks, Defendant Kalinowski, Defendant Smith,**  
20 **Defendant Harmon, Defendant Wren, Defendant Kolk, Defendant Maike Jr)**  
21

22 The foregoing paragraphs are incorporated as if fully set forth herein.  
23

24 COUNTY AND REGIONAL PARKS (EXCERPT): Act 261 of 1965

25 46.364 County and regional commissions; rules; violation of rules as misdemeanor;  
26 penalty; prohibited operation of vehicle as municipal civil infraction; enforcement; park  
27 rangers; police services.  
28

1 (3) Except as provided in subsection (4), a person who violates a rule adopted by a county  
2 or regional commission is guilty of a misdemeanor punishable by a fine of not more than  
3 \$100.00 and costs of prosecution or by imprisonment for not more than 90 days, or both.  
4

5 Newaygo County Park Ordinance 01/2020

6 SECTION 1: APPLICATION OF ORDINANCE The provisions of this ordinance shall  
7 apply to, regulate, and control all lands, waters, and property administered by, owned or  
8 under the jurisdiction of the Newaygo County Parks and Recreation Commission. These  
9 rules are enforced in compliance with the State of Michigan, PA 261 of 1965 et seq.  
10

11 (1) Defendant Freriks, Defendant Kalinowski, Defendant Smith violated Plaintiff's 4th  
12 amendment rights during the enforcement of Newaygo County Park Ordinance 01/2020  
13 Rule 18(b)(c).

14 (2) Defendant Freriks, Defendant Kalinowski, Defendants Smith used Plaintiffs personal  
15 information obtained during a 4th amendment violation to enforce Newaygo County Park  
16 Ordinance 01/2020 Rule 18(b)(c) against Plaintiff.

17 (3) Defendant Smith, Defendant Harmon, Defendant Wren, Defendant Kolk, Defendant  
18 Maike Jr accused, convicted, sentenced Plaintiff to a Misdemeanor as defined under  
19 Michigan Public Act 261 of 1965 46.364(3) using information obtained during a 4th  
20 amendment violation by Defendants Freriks, Defendant Kalinowski, Defendant Smith.

21 (4) Defendants' accused, sentenced, convicted plaintiff of a Misdemeanor as defined under  
22 Michigan Public Act 261 of 1965 46.364(3) outside of the Newaygo County District Court  
23 system without Due Process using Plaintiffs personal information obtained during a 4th  
24 amendment violation against Plaintiff, by Defendant Freriks, Defendant Kalinowski,  
25 Defendant Smith.

26 (5) Plaintiff has been prosecuted for, and sentenced to a Misdemeanor as defined under  
27 Michigan Public Act 261 of 1965 46.364(3), without actually being convicted in a court of  
28 law.



1 (6) Because Plaintiff has been maliciously prosecuted, without ever being convicted in a  
2 court of law, he maintains his claim of factual innocence, allowing a claim of malicious  
3 prosecution under M.C.L.A. 600.2907.  
4  
5  
6

7 **RELIEF**

8 WHEREFORE, Plaintiff respectfully asks this Honorable Court to find in his favor  
9 and enter JUDGMENT against the Defendants, and provide the following relief:

10 a. For general damages including but not limited to pain, grief, sorrow, anguish, stress,  
11 shock, and mental suffering already experienced, and reasonably probable to be expected  
12 in the future, in the amount of \$5,000,000;

13 b. For punitive damages against the Defendants in the amount of \$200,000,000;

14 c. For taxable costs under 42 U.S.C. § 1988 to the extent permitted by law;

15 d. (1) Issue an injunction prohibiting Defendants Smith and Wren from enforcing the terms  
16 of the Letter against Plaintiff until he has received due process and (2) Order Defendants  
17 Smith and Wren to provide Plaintiff with due process regarding his access to Newaygo  
18 County Parks.

19 e. Determine, through the litigation process and/or a jury trial, whether Newaygo County  
20 Parks Ordinance #01/2020 Section 18 (b) and (c) is unconstitutional. If it is found to be  
21 unconstitutional then Plaintiff wants the Ordinance changed, and the posted signs updated  
22 accordingly.

23 f. Order the Newaygo County Sheriff Department to formally investigate and review  
24 Defendant Freriks and Defendant Kalinowski's unlawful disclosure of Plaintiff's personal  
25 information, and to take appropriate disciplinary action if the disclosure is found to be in  
26 violation of applicable Federal or State Laws, and/or Sheriff Department policies.

27 g. Such other relief as the Court deems just and proper.

28 Plaintiff asks that this matter be tried to a jury.

1 Respectfully submitted this 28th day of October 2022.

2  
3  
4  
5  
6  
7 s/ Lane Myers

8 (Pro Se)

9 1583 Grange Rd

10 Trenton Mi 48183

11 (313) 587-1880  
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